

STRATEGY
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PROJECT

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**ANTIPERSONNEL LANDMINE POLICY
FOR THE NEW ADMINISTRATION**

BY

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ABSTRACT

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In the face of severe criticism from most of the world's leaders, President Clinton on 17 September 1997 refused to sign the Ottawa treaty, declaring: "As Commander-in-Chief, I will not send our soldiers to defend the freedom of our people and the freedom of others without doing everything we can to make them as secure as possible. There is a line I simply cannot cross, and that line is the safety and security of our men and women in uniform." His own internal struggle with this issue was demonstrated during an interview weeks before President Clinton left office during which he said he "bitterly regretted that the U.S. did not sign the landmine treaty in December 1997, and that it is one of his bitterest regrets of the last eight years."

The President of the United States is responsible for balancing the military needs and humanitarian concerns of the nation. Landmine policy will be a challenging issue for the Bush administration, testing the president's military and foreign policy. This paper will probe the anti-personnel landmines (APL) issue, seeking to review our approach to the Ottawa treaty, current U.S. policy, and present recommendations on future APL policy for the Bush administration.

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ANTIPERSONNEL LANDMINE POLICY FOR THE NEW ADMINISTRATION

In the face of severe criticism from most of the world's leaders, President Clinton on 17 September 1997 refused to sign the Ottawa treaty, declaring: "As Commander-in-Chief, I will not send our soldiers to defend the freedom of our people and the freedom of others without doing everything we can to make them as secure as possible. There is a line that I simply cannot cross, and that line is the safety and security of our men and women in uniform."¹ His own internal struggle and the continued controversy surrounding this issue was demonstrated during an interview only weeks before President Clinton left office during which he said he "bitterly regretted that the U.S. did not sign the landmine treaty in December 1997, and that it is one of his bitterest regrets of the last eight years."²

The President of the United States is responsible for balancing the military needs and humanitarian concerns of the nation. Landmine policy will be a very challenging issue for the Bush administration, testing the president's military and foreign policy. This paper will probe the anti-personnel landmines (APLs) issue, seeking to review our current approach to the Ottawa treaty, current U.S. policy, and present recommendations on future APL policy for the Bush administration.

Every week landmines claim an average of 500 victims.³ Almost all are innocent civilians, many of them are children. This tragic loss of innocent life creates an emotional environment when dealing with landmine issues. No one really knows how many landmines are actually still in the ground, but their removal is a high priority to most nations.

President Clinton announced in May 1998 through PDD-64, that "The United States will sign the Ottawa Convention by 2006 if we succeed in identifying and fielding suitable alternatives to our APLs and mixed anti-tank systems by then."⁴ The Administration, in making this announcement, has decided to ignore concerns expressed by America's armed forces, and may put processes and procedures into motion that would back the military into a corner. The release of PDD-64 compels us to search for Ottawa compliant landmine alternatives to our existing systems. The endorsement of the international ban on landmines demonstrated the President's willingness to disregard the best interests of the U.S. military, putting its men and women at risk.⁵ Swift action will be necessary by the Bush administration to define the role of APLs, and readdress issues identified in PDD-64.

WHAT ARE APLS?

APLs are mines primarily designed to explode in the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons. APLs can be traced in the history of warfare as far back as the Greek and Roman Empires. These early devices were designed for the same mission for which they are used today, combating troop movements. Since North Africa and the Second World War, mine warfare in the U.S. military has remained constant. APLs continue to perform a valuable function on the battlefield. The fact that millions of mines are in the ground today attests to the military utility of mines, and their ability to achieve specific effects on the enemy. Historically, the U.S. has been one of the world's biggest producers of landmines, producing tens of millions of landmines.⁶

Consistent with past policy and doctrine, the U.S. Army Field Manual 20-32, Mine/Countermine Operations, lists the uses of minefields as to: "produce a specific effect on enemy maneuver, thereby creating a vulnerability that can be exploited by friendly forces; cause the enemy to piecemeal his forces; interfere with enemy command and control; inflict damage to enemy personnel and equipment; and protect friendly forces from enemy maneuver."⁷

U.S. military doctrine attempts to fulfill the first role of mine warfare through both doctrine and technology. U.S. military doctrine does not provide for, or allow, the indiscriminate use of landmines against non-combatants. Finally, U.S. military doctrine attempts to end the third role of mine warfare by using mines with short and finite life spans. Today, U.S. mine policy and doctrine face an uncertain future with major impacts on the military. In order for the politicians to debate the future of mine warfare, they must first understand the stage the U.S. is playing in, and appreciate current doctrine as it supports that stage. They must understand the implications of their decisions on the future of the military.

Today's APL come in numerous types and systems. Current U.S. landmines can be found individually in Pursuit Deterrent Munitions (PDM), M14, and M16 and in mixed systems like the Area Denial Artillery Munitions (ADAM), Gator, Modular Pack Mine System (MOPMS), Volcano, Ground Emplaced Mine Scattering System (GEMSS). Scatterable Mines or SCATMINEs are a mixed system, and are currently the preferred munitions of the U.S. Military. In October 1997, the President determined that the use of mixed systems containing both self-destructing APLs, and anti-vehicle/AT were necessary to meet security requirements, thus, exempting APLs in mixed systems from the search for alternatives. APLs continue to serve as the bedrock to U.S. mixed mine systems.

Under the Ottawa treaty the ADAM, Gator, MOPMS, Volcano, GEMSS, PDM, M14, and M16 APLs are prohibited from use because they fall within the treaty definition of APLs. Some

mines designated as anti-vehicle or AT with anti-handling device may also fall in the same category. The rhetoric of many NGOs now considers Anti-vehicle mines that can explode from an unintentional act of a person, as an APL, and should be prohibited under the treaty.⁸

WHAT PURPOSE DO THEY SERVE?

Mine-Warfare has played a crucial role in the conflicts of this nation since the Civil War. As a superpower, the U.S. has obligations, and is often looked at to maintain the world status quo. In order to perform it's mission, the U.S. must be able to use all resources at its disposal including landmines.

U.S. Military policy on the use of landmines is prescribed in Field Manual 20-32, Mine/Countermine Operations. The doctrine exemplifies the tactical roles of landmines in warfare, and states that minefields are used to: "produce a specific effect on enemy maneuver, thereby creating a vulnerability that can be exploited by friendly forces; cause the enemy to piecemeal his forces; inflict damage to enemy personnel and equipment; and protect friendly forces from enemy maneuver."⁹ U.S. military doctrine emphasizes the necessity to comply with the Geneva Convention, the Convention on Conventional Weapons (CCW) and NATO International Standardization Agreements,¹⁰ and fulfills the first role of mine warfare through both doctrine and technology. U.S. military doctrine does not provide for, or allow, the indiscriminate use of landmines against non-combatants, and attempts to end this threat by using mines with short and finite life spans.¹¹

Mines are a critical resource commanders have come to know and trust in order to perform their mission. Minefields today may contain any type, mix, or number of AT and/or APLs. Landmines have the fearsome ability to degrade the enemy's morale. When linked with effective direct and indirect fires, enemy morale can be broken. Using landmines for force protection reduces the number of soldiers required to perform missions. Today, mines play a central role in the deterrence and force protection essential to the operations any commander is asked to perform.

U.S. force projection requirements mean that U.S. forces should anticipate facing a numerically superior force during any conflict. Force protection encompasses the "planned and integrated security program designed to protect soldiers, facilities, and equipment in all locations and situations."¹² To accommodate force protection, protective minefields are employed to protect soldiers, equipment, supplies, and facilities from enemy attacks or other threats. Protective minefields serve two purposes. First, they impose a delay on an attacker. Second, they break up the enemy assault to complete its destruction.¹³ If the current policy is allowed to

proceed unchecked, the U.S. military will soon be banned from using landmines to fill this force protection role.¹⁴ Landmine defenses will continue to play an important role in force projection and reducing casualties.¹⁵

U.S. military requirements for the use of landmines are based on the need to protect AT mines from rapid neutralization. Without the mix of in APLs with AT mines, enemy forces would be able to breach AT minefields in about 10 minutes. With APLs deployed with AT mines, the enemy would need to spend an additional 20 minutes breaching the minefield.¹⁶ The commander's freedom of maneuver and flexibility will be degraded from the lack of mines. "Mixed" systems are widely understood by the U.S. military to be indispensable to protecting its forces.

Scatterable Mines or SCATMINEs are currently the preferred munitions of the U.S. Military. SCATMINEs enable a tactical commander to emplace minefields rapidly in enemy-held territories, contaminated territories, and in areas where it is impossible to emplace conventional minefields. These systems have a limited active life and self-destruct, thus allowing the U.S. to have a position with respect to the treaties, yet also addressing the military's full operational needs.

The loss of the traditional roles of minefields would further jeopardize U.S. war plans in the initial stages of a conflict, presumably when small numbers of rapid reaction forces are defending while awaiting heavy force reinforcement. The ultimate loss will be the economy of force provided by the employment of landmines. This relatively inexpensive force multiplier is excellent at denying ground to the enemy, fixing forces and producing a psychological effect that can create paralysis on enemy plans and operations.

The day after the White House announced its 1996 decision to push for a ban, the Department of Defense (DoD) reported on its efforts to end military reliance on APL's. The Pentagon has reviewed its war plans, and has begun to develop alternatives to its doctrine and training manuals to eliminate requirements for landmines.

PROBLEM AND THE WORLD'S RESPONSE TO OTTAWA

HAZARD TO CIVILIANS

Every year landmines kill or injure thousands of innocent civilians. The widespread use of landmines against civilians has occurred predominantly during internal conflicts. During these conflicts large numbers of landmines have been emplaced, and dozens of countries have been accused of using them as offensive weapons targeting civilians. Most of the problem

stems from the nonprofessional armies rarely marking or recording minefield locations. The massive use of landmines coupled with the general lack of recording has led to a situation where large portions of many war-torn countries are littered with landmines, with little hope of redemption. U.S. military doctrine requires the proper marking of landmines, and does not allow their indiscriminate use against non-combatants. The U.S. attempts to end the threat to civilians by using mines with finite life spans.¹⁷

This emotionally charged issue has attracted the attention of a number of U.S. Congressional leaders motivated by the plight of thousands of innocent civilians around the world.¹⁸ The international movement to ban landmines grew from this highly emotional issue, and led to the Ottawa Treaty, which enjoys popular support in many Western democracies as well as those in mine-afflicted nations.

OTTAWA TREATY

The Ottawa Conference was a Canadian-sponsored strategy conference, taking place in October 1996, and focused on a global ban of landmines. The decision to launch the Ottawa process was made without consulting allies. Representatives from 50 governments, the ICRC, and the United Nations attended the conference.¹⁹ The Ottawa Convention is the short name for the United Nations treaty entitled " Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of landmines and on their Destruction." The treaty is recognized in United Nations General Assembly Resolution 51/45 S, and calls for all states to pursue a legally binding agreement to ban the use and stockpiling of landmines.²⁰ The treaty is unique because it seeks to eliminate landmines as a weapon from the arsenal of fighting forces. In order to achieve this goal, the treaty identifies and prohibits a wide range of activities, specifically the development, production, stockpiling, transfer and use of these weapons. The treaty recognizes the earlier international efforts in the "Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps, and Other Devices" and the "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects " (CCW) as well as efforts by the International Red Cross and Red Crescent Movement, the International Campaign to Ban Landmines (ICBL) and other non-governmental organizations.²¹ As of January 2000, 137 countries have signed the Ottawa Convention, 94 of whom have ratified the Treaty.²² Of the countries that originally signed the treaty, most were generally free from security threats. Of the 137 countries that signed, 27 were at peace, 6 were involved in border disputes, and 2 were suffering from some form of internal

unrest. None of these 35 nations border China or Russia, and none of these nations were at war. Countries with serious security threats tended not to sign the treaty.²³

The Ottawa process took 14 months. U.S. officials never really actively participated in the process, and made clear they thought the process would not go far. Unfortunately, they gravely underestimated the strength of the movement, and by the time the U.S. recognized the seriousness of the issue, it was too late. The U.S. had withdrawn from the process believing the treaty would not meet its unique national security concerns. The U.S. had several concerns. First, without proven alternatives to APLs, U.S. soldiers in Korea would be faced with a critical capability gap, which would adversely affect our ability to defend our soldiers, and an enormous border. Second, the treaty would eliminate our ability to use scatterable mine systems because they include APLs even though they are self-destructing APLs. There is also concern over compliance and its lack of an enforcement mechanism.

The Ottawa treaty will create vulnerabilities in the capabilities of U.S. mine warfare. No suitable substitute currently exists, and no new technology promises to replace our current landmines.

THE ROLE OF NON-GOVERNMENTAL ORGANIZATIONS

Non-governmental organizations (NGO) and the United Nations (UN) have been focusing on the growing problem of landmines and landmine clearance since the late 1980s. There has been a ground swell of awareness and concern from governments, NGO's and individuals. The growing concern from these parties led to an increased grassroots campaign to ban anti-personnel landmines.²⁴ Over the last decade, NGO's have been emerging as key players in efforts to reduce the threat landmines pose to innocent civilians.²⁵ The dedicated efforts of individuals around the world in international participation and cooperation is being used to promote agendas designed to pressure governments to ban APL's. In 1992, NGOs led by the International Campaign to Ban Landmines (ICBL) successfully began raising international awareness about the devastating impact of APL mines on people in afflicted areas. Their efforts, since that time, have been successful in getting a treaty that bans the export, production or use of landmines.²⁶

The effectiveness of the ICBM, and other NGO's can be traced to two issues: their well-orchestrated public relations campaign and the boldness of their demands. Their ability to mobilize the public conscience has played a central role in the growing support for the antipersonnel landmine ban.

NGO efforts grew exponentially out of dissatisfaction with the CCW. The CCW was criticized by a number of NGO's, such as the International Committee of the Red Cross (ICRC), that believe only a total ban on landmines, and their production and use is satisfactory.²⁷

For NGO's, the 1996 Ottawa Convention served more as an important political statement, than a humanitarian one. The treaty was developed without regard to serious security concerns. It also served as a platform from which NGOs could launch protests of the U.S. position, and criticize the U.S. as being part of the landmine problem. Serious consideration of national security issues never occurred at the convention.²⁸ Since then, a broad coalition of international players, including governments and NGOs, have been engaged in intense activities in order to make the Ottawa Treaty a reality.

The new stage, in which NGO's are now allowed to play in, has analysts and decision makers in many countries very concerned about a future in which security policy is decided by interests groups and publicity campaigns.²⁹

NGOs are not without the ability to generate tremendous resources to support their cause. NGOs and private foundations are integral to the search for a cure to the landmine problem. They provide enormous resources in addition to those from public sources, toward the implementation of mine action programs. The groundswell of public attention to the landmine crisis, stimulated by the ICBL, created an even greater flow of private resources into demining efforts.³⁰ The increased focus on the landmine issue has also brought about broad consensus on the need for more effective international coordination in taking on humanitarian demining in afflicted countries. Another off shoot of this increased focus has been the engagement of non-governmental organizations (NGOs) in coalitions with governments and international organizations to focus resources more effectively on humanitarian demining. The previous Administrations "Demining 2010 Initiative" accelerated funding trends in an effective international campaign to remove the threat of landmines.³¹

All the NGO's solicit funding by pulling at the heartstrings of donors, and often criticize the U.S. and other nations for not donating more. Little do donors know, like so many other relief organizations, that large sums of money never reach the intended mission. The Diana, Princess of Wales Memorial Fund is one such organization. With \$1.6 million contributed to the landmine campaign, not a penny has gone to actual mine clearance. The fund has chosen to focus only on victim assistance and has ignored mine clearance.³² "The ICBL's publicity machine hijacked the issue of demining, turning a practical problem into a bureaucratic, legalistic, and media gravy train," former deminer Jefferson wrote in the Wall Street Journal soon after the ICBL won the Nobel Prize in 1997. "It provides employment and kudos for

bureaucrats, aid workers, lobbyists, lawyers, and administrators, and diverts resources and attention from the real problem.³³

U.S. POLICY

PRESIDENTIAL DECISION DIRECTIVE (PDD)-64

Current U.S. policy on landmines can be traced back to President Clinton's 1994 address before the U.N. where he highlighted U.S. landmine initiatives calling for the global elimination of landmines, and pledging that the U.S. would lead efforts to eliminate landmines. These efforts can be found in our landmine alternatives program and our demining program. On September of 1997, the President reiterated his support, but decided not to sign the treaty for reasons that are still valid today, concern for U.S. troops. His decision reflects the dangerous reality we face on the ground as a result of our global responsibilities. U.S. Military policy on landmines exemplifies the tactical roles of landmines in warfare, and emphasizes the necessity to comply with the Geneva Convention, the CCW and NATO International Standardization Agreements.³⁴

It came as no surprise that U.S. policy would initially focus on the non-self-destructing landmines. On 16 May 1996, Presidential Decision Directive (PDD)-48 was released, immediately prohibiting the use of non-self-destructing landmines by U.S. forces, outside of Korea.³⁵

PDD-64 issued on June 23, 1998 guides current U.S. Landmine Policy. Although this document is classified, military and civilian officials have used exerts to detail policy in several public forums and publications. In PDD-64, the President committed the U.S. to signing the Ottawa Convention by 2006 provided we succeed in identifying and fielding suitable alternatives to our APLs and mixed AT systems. It also states, excluding mixed systems, that the U.S. will end the use of APLs outside of Korea by 2003.³⁶

Between 1994 and 2000 the Landmine Policy of the U.S. ebbed and flowed with the politics of the times. In the interim, the U.S. accepted the CCW and the protocol II amendment in order to safeguard American lives in military hostilities, and hasten the end of fighting.

DEMINING

Demining is the complete removal of all mines and Unexploded Ordinance (UXO) within a geopolitical boundary after hostilities cease. The U.S. has been concerned about the landmine crisis for several years, and leads the world in demining efforts, training and funding.

Since FY93, the United States has committed nearly \$400 million to global mine action initiatives, including research and development. Previous editions of the State Department publication "Hidden Killers," in 1993 and 1994 attest to U.S. resolve to assisting afflicted countries.

The Demining Policy is an integral part of the U.S. Landmine and Humanitarian Assistance policies. Public Law 104-106 stipulates that the Department of Defense is responsible for overseeing demining training and mine awareness programs as part of the U.S. Humanitarian Assistance Program.³⁷ The program supports the previous Administration's goal of eliminating the threat of landmines to civilians by the year 2010.³⁸ The Department of Defense will undertake substantial efforts to develop mine detection and clearing technology and to share this technology with the international community. DoD has been tasked with expanding its humanitarian demining program, to train and assist other countries in developing effective demining programs.³⁹

In announcing the Global Demining Initiative "Demining 2010", the Secretary of State and the Secretary of Defense, proposed that the U.S. formulate and lead an international process to better coordinate, fund, publicize, and accelerate worldwide humanitarian demining assistance and clearance operations. The goal of the program to end the plague of APLs by 2010. The process to accomplish this would be conducted through diplomatic, political, and public affairs initiatives. By bring together donors, deminers, and recipients they hope to agree on mechanisms for making commitments for assistance, enhancing the exchange of demining information and technology and, to optimize the use of demining resources.⁴⁰

The Department of State Office on Humanitarian Demining Programs (HDP) serves as the lead organization in coordinating U.S. Humanitarian Demining Activities worldwide. The U.S. HDP is a comprehensive effort supporting mine action initiatives to include mine awareness, clearance of priority areas, training host country deminers, reviewing and accelerating promising technologies, and medical and rehabilitative assistance to survivors of landmine accidents. The current U.S. demining policy is more mature than the landmine policy, and needs only increased emphasis in existing policy to protect U.S. security and humanitarian interests.

Critical members of the HDP team include the Departments of State, Defense, and the Interagency Working Group (IWG). The IWG reviews demining-related guidance prepared by DOS. DoD assesses the National Military Strategy, geographic combatant commander's strategies, and any demining-related guidance. This linkage is critical to ensuring a conceptual understanding of how demining contributes to national goals and where a specific demining

effort supports U.S. HDP objectives.⁴¹ The Interagency Working Group (IWG) on Humanitarian Demining is charged with identifying which countries receive U.S. demining assistance and managing U.S. resources committed to the program.

The United States' HDP is shaped by its vision, and goals:

Vision -- Foster a world safe from landmines -- relieving human suffering from their adverse affects and promoting U.S. foreign policy and national security interests.

Goal 1 -- Assist nations to alleviate the threat of landmines to innocents.

Goal 2 -- Promote U.S. foreign policy and national security.

Goal 3 -- Encourage international participation to eliminate the threat of landmines to civilians around the world by 2010.

Today, U.S. demining assistance primarily takes the form of training, with the stated goal of developing an indigenous demining capability. Many of our Special Forces teams are deployed around the world training people on the proper techniques of demining. Over 14,000 individuals have been trained in mine clearance techniques, mine awareness, emergency medical care, and how to establish a national mine center. A critical component of the DOD approach to landmine proliferation is developing cooperation between the United Nations, local governments, and NGO representatives. The most well known of the U.S. programs 'Train the Trainer' involves the training by U.S. forces of host nation instructor candidates.⁴²

SUPPORT FOR CCW

The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons (CCW) was concluded at Geneva on October 10, 1980, was signed by the United States on April 8, 1982; entered into force on December 2, 1983; and was ratified by the Senate on March 24, 1995.⁴³ The agreement articulated landmine policy that was common practice among NATO forces. The CCW defined landmines as "any munitions placed under, on or near the ground or other surface area and designed to detonate or explode by the presence, proximity or contact of a person or vehicle, and remotely delivered vehicle means any landmine so defined delivered by artillery, rocket, mortar or similar means or dropped by aircraft."⁴⁴ Eighty countries including China, Russia, Britain, and the U.S. now accept the CCW.

The CCW mirrors U.S. military doctrine, in that landmines can serve a limited, tactical role on the battlefield without unduly endangering civilians. The CCW restricts the use of some scatterable, or remotely delivered landmines. Although the CCW presents a balanced attempt to reconcile the military role of APLs, it is has been seriously criticized by NGO's. The CCW

pertains to international conflict and does not apply to internal armed conflict. The widespread use of APLs against civilians has occurred predominantly during internal conflicts.

In May of 1996, improvements to the CCW were to be adopted in the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-traps and Other Devices otherwise known as the Protocol II Amendment. Protocol II clarified issues about landmines, and considers APLs to be legal weapons. The amended protocol outlaws non-detectable landmines and prohibits non-self-destructing and non-self-deactivating landmines unless planted in monitored, perimeter-marked areas. The exporting of APLs to non-state-parties is prohibited, as is the use of mines that detonate in response to mine-detectors and those that have anti-handling devices that remain active after the mine itself deactivates. These same restrictions also apply to remotely delivered mines, such as those delivered by aircraft and artillery.⁴⁵ The United States proposed expanding these same criteria to anti-vehicle mines.

The United States proposed adopting a "regular procedure," including the possibility of on-site inspections, for handling non-compliance allegations; a process similar to that in the Ottawa Convention.⁴⁶

On May 24, 1999, the United States ratified the Amended Protocol II of the CCW. For many in the U.S. government and U.S. military, the Protocol II approach to not banning landmines, but instead placing certain restrictions and technical requirements on certain uses of certain types of landmines remains the preferred approach.⁴⁷ The head of the U.S. delegation Michael Matheson from the State Department said, "In the view of the United States, the Amended Protocol is an essential part of the strategy needed to deal with the threat of indiscriminate use of landmines. This Protocol is an instrument that can attract adherence of all states, including those which are not able to accept a total prohibition on landmines at this time".⁴⁸

SHORTFALLS OF OTTAWA

THE BAN

Mine warfare is a vital part of U.S. military doctrine, and is more relevant as Army force structure is reduced. Any landmine restrictions will affect the mixed nature of U.S. mine delivery systems. The current ban on landmines would deny the U.S. the use of mixed systems, making over two-thirds of the inventory unavailable. This would deny U.S. forces the majority of its scatterable mine systems because they contain APLs. Removing APLs from the mix is technically feasible, but is costly. Any removal of APLs from the mine mix would result in a

serious degradation in the effectiveness of tactical and interdiction minefields.⁴⁹ The capability gap created by the loss of a mixed system will increase the risk exposure to U.S. forces, requiring a costly alternative, and could ultimately require additional forces to compensate for the loss in lethality.⁵⁰

Battle Lab simulations and exercises at the National Training Center show that friendly casualties are lower and enemy casualties are higher, by a factor of two, when advanced landmines are used. Combat by its very nature is dangerous, fluid and confusing. U.S. military doctrine places strict guidelines on the employment of landmines by U.S. forces. These restrictions were designed to minimize the loss of American and civilian life.⁵¹

Several studies have shown that there are military consequences of landmine restriction. In April 1996, the Department of Defense commissioned the Dupuy Institute to conduct a study. The study they prepared was conducted in two parts. The first part sought to provide quick guidance, using historical data, for policy makers addressing the landmine ban issue. The conclusions of the first "quick look" report are based on two scenarios.⁵² The first scenario assumed that APL's were banned, but some Third-World nations continued to use them. In this case, it is believed that the United States would be at a disadvantage with some Third-World nations in conventional warfare, and a small disadvantage in guerrilla warfare. In general, U.S. forces could expect a 3 percent increase in casualties should the U.S. unilaterally ban APL's.⁵³ The second scenario was based on a ban that precludes nations from acquiring APL's, similar to the Ottawa Convention. It concluded that the U.S. would gain an advantage in conventional wars due to its reliance on offensive operations. The advantage would come from denying the enemy the use of mines.⁵⁴

The initial Dupuy Institute conclusions suggested that the U.S. Army would not suffer serious vulnerabilities should the United States abide by the Ottawa Convention. Provided you subscribe to the idea that a 3 percent increase in casualties is not an increased vulnerability. The assumption is that U.S. opponents will continue to use APL's against U.S. forces. The U.S. Army would find itself at some disadvantage in conventional wars with non-signatory countries or those that decided to ignore the ban. Nations that cannot manufacture APL's or procure them from non-signatory countries will have some difficulty in employing them in sufficient quantity, and booby traps will make up the shortfall. The bottom line is that threat forces are unaffected by an APL ban even if degraded.⁵⁵

When the Dupuy Institute studied the second part, interdiction mines, the institute amended its initial findings. The study concluded that modern mines and modern mine delivery systems have increased the reliance on mine warfare.⁵⁶ The failure to exploit the force

enhancement that interdiction minefields can produce would, according to the Dupuy Institute, double or triple US casualties.⁵⁷

Historical models served as the basis for the initial findings. Subsequent findings that looked at modern mine laying methods and current mine warfare in offensive operations offered a more disturbing conclusion. The study summary states, "If this analysis is correct, it should remove any lingering doubt that depriving ourselves of AP mines, would seriously hamper our fighting ability."⁵⁸

In June 1994, the Institute for Defense Analyses conducted a study that examined consequences from a landmine ban. The study determined that the removal of landmines from both sides amounted to a modest increase in U.S. losses. This finding conformed to the historical casualty figures of the Dupuy study. A 3 percent increase in casualties seems to be a consistent figure when considering the loss of landmines in conventional mine warfare. The study further suggested that increasing the number of Bradley fighting vehicles could mitigate the loss of landmines. Depending on terrain the number of Bradley's need to be increased by a factor of 150 to 350 percent.⁵⁹ Any increase to the force structure in order to replace landmines is not a feasible option.⁶⁰

ALLIES

As the world leader, the U.S. performs unique security responsibilities around the world. Today, the U.S. faces serious risks, and can ill afford to participate in the Ottawa landmine ban. Complicating our unique security responsibilities is the fact that our allies, living comfortably under our protection, are the ones leading the landmine ban charge against us.

When the U.S. announced a cap on its stockpile of landmines on 17 January 1997, many of those stockpiles were stored overseas within reach of our military forces. This cap includes landmines contained in mixed systems.⁶¹ Of major concern is the storage of our overseas stocks. Overseas stocks of U.S. landmines are located in at least ten countries: Germany, Greece, Japan, Kuwait, Norway, Qatar, Saudi Arabia, South Korea, Turkey, and the United Kingdom (at Diego Garcia, its Indian Ocean territory). Six of these states are signatories of the Mine Ban Treaty (Germany, Japan, Norway, Qatar, and the U.K. at Diego Garcia), and Greece.⁶² Some of these states have determined that landmine stocks fall under their jurisdiction and have required removal of the U.S. landmines. Officials in Italy and Spain, report that all U.S. landmines have been removed from their countries. Norway reached an agreement with the U.S. to remove landmine stocks by 2003. Germany and Japan have determined that U.S. landmine stocks are under U.S. jurisdiction, and do not feel obligated to have the U.S.

landmines removed or destroyed.⁶³ The U.S. is negotiating the storage of landmines in two countries that have not signed the treaty, Bahrain and Oman.

The transfer or transit of mines in future areas of operations is another concern of the ban on landmines. The U.S. has been seeking reassurances from its allies that have signed the ban treaty that the U.S. will, in times of combat, be able to move U.S. landmines across the land, water, or air space controlled by those governments. NGOs such as the ICBL believe that such permission could constitute a violation of the treaty, and therefore, are actively petitioning signatory countries not to approve the movement and use of mines even in combat.⁶⁴

ENFORCEMENT

The U.S. now finds itself in the difficult position of addressing landmine alternatives and new policies for a treaty that may turn out to be an empty gesture. Countries may sign the treaty, but when it comes down to it, protecting their national interests may out weigh honoring a voluntary treaty. Countries that use landmines may be criticized in popular opinion, but in war the opinion of outsiders counts for little. Tim Lardner, a deminer working in Cambodia, believes "Most deminers accept the ban as an ideal, but if you look at where most of us are working, you will find that there are places where a piece of paper stating that it is naughty to use APLs is really not of too much interest." As an example he cites the Cambodian government, which, although it signed the treaty, is still laying APLs.⁶⁵

Undeniably, treaty compliance will be problematic. Complicating U.S. participation is our growing concern over the effectiveness of the treaty. Substantial information identified by the UN and the very organizations shepherding the treaty, has shown the treaty to be flawed and ineffective in enforcement and acceptance by its signatories, for the very reasons the U.S. has repeatedly expressed.⁶⁶

A number of countries that signed the treaty against landmines are continuing to use them according to a NY based Human Rights Watch. The NGO identified the countries as Angola, Sudan, Burundi, Ethiopia, Zimbabwe, Uganda, and Rwanda. Angola has been criticized for its continued use of landmines despite ratifying the International Mine Ban Treaty.⁶⁷ In its Landmine Monitor Report 2000, the International Campaign to Ban Landmines (ICBL) confirmed that both Angolan government troops and the UNITA rebel movement had continued to use anti-personnel mines.⁶⁸ Expressing her frustration, and substantiating U.S. treaty concerns, Jody Williams, the Nobel prizewinner, from the ICBL stated that, "The convention is hollow if signatories use mines with no reaction from the international community."⁶⁹

Establishing a violation, however, requires clear identification of the mines' owner. Producers in treaty member states seek to conceal the activity. To the extent that it cannot be determined which combatant established a stockpile, treaty enforcement would be doubtful.⁷⁰ Virtually any enclosed structure or vehicle could store landmines.

NGO'S ON STEROIDS

NGO dissatisfaction with the CCW resulted in the establishment of the Ottawa Treaty in 1996. The success of the Ottawa Convention highlighted the emergence of new sources of diplomatic influence in the post-Cold War era. NGOs were beginning to expand their influence, and the trend of NGOs to expand upon their cause was starting to show. NGOs have become very aggressive in their advertising, funding goals with growing rhetoric aimed at countries not supporting the Ottawa treaty, especially the U.S. The new stage, in which NGO's are now allowed to play in, has analysts and decision makers in many countries very concerned about a future in which security policy is decided by interests groups and publicity campaigns.⁷¹ The abilities of NGO's to persuade should not be taken lightly, and policy makers should take precautions not to be unduly influenced.

Some of the more robust NGOs like the ICBM have internal departments that study the alternatives. These NGOs propose the U.S. avoid the cost associated with alternatives R&D, and invest in demining. NGOs feel not enough is being done to solve the mine problem, and they are more concerned with humanitarian issues over security issues. With more political savvy, NGO are becoming more aggressive in their trends, and are exerting pressure on political leaders to support their cause. It is difficult to compete with images of children without legs, and the guilt applied to suggest if you support the use of APL's, than you support the maiming of children. Despite the leading role the U.S. plays in demining, NGOs are suggesting, that countries donate one per cent of their defense budgets for mine action projects. One percent of the U.S. Defense budget that would equate to U.S.\$740 million annually for landmine problems the U.S. did not create.⁷²

In pressing their case, NGOs have taken to expanding the definition of APLs. Recognizing the U.S. and world concerns with Weapons of Mass Destruction, NGOs like the International Committee of the Red Cross (ICRC), and NGO aid workers are referring to APLs as a tactical weapon that had mutated into a weapon of mass destruction.⁷³ NGOs were equating APLs as WMD in order to draw attention to the landmine issue.

Thomas Kuchenmeister, of the German Initiative to Ban Landmines, is pushing for the elimination of all landmines. His report in Landmine Report 2000 refers to a widespread

misunderstanding that only APLs are responsible for the humanitarian disaster caused by landmines. He contends that anti vehicle mines (AVM) with anti-handling devices act like APLs, and can explode with unintentional contact by civilians, and should be prohibited. Kuchenmeister believes that bomb let ammunitions and mine sub munitions should be targeted for inclusion into future arms control legislation.⁷⁴ Many see this as a logical extension of the APL ban. In light of current trends, it is likely that NGOs will call for a ban on all types of mines with antipersonnel effects.

Landmine activists have made it clear; they can now concentrate on moving up the date by which America accedes to the Ottawa Treaty.

RECOMMENDATIONS

Balancing military needs with humanitarian concerns is one of the most difficult issues a nation can face. The highly charged issue of landmine policy will be a very difficult issue for the Bush Administration, testing military and foreign policy.

The U.S. performs unique security responsibilities around the world which prevents us from participating in the current landmine ban. Complicating the issue is the fact that our allies, living comfortably under our protection, are the ones leading the landmine ban charge against us.

The figurative landmine left behind by the previous Administration, must be defused by the new Administration through careful reexamination, and re-issuance of the Demining and Landmine Policy course this country is on. We must dedicate diplomatic resources to remain engaged in any movement that may potentially become a public relations nightmare. The previous Administration did not properly represent the U.S. at the Ottawa Convention. We cannot afford to avoid international issues that are emotionally charged, because doing so does not reserve us a seat at the table when decisions are made. Our diplomatic representatives must be fully aware of the second and third order effects of decisions made. To maintain its position in the world, the U.S. must develop a comprehensive strategy that addresses both aspects of land mine policy: Demining Policy and Landmine policy.

The unwarranted injury to civilians is the central issue associated with the landmine ban. If the threat to civilians can be reduced or eliminated, the need to pursue an APL ban would be removed. As mentioned earlier, the number of landmines has been over estimated, and now appears to be in a workable range were landmines can be removed in years as opposed to decades. No institution or nation advocates targeting landmines against civilians and over the last several years, Congress has expressed a sustained commitment to demining as an aspect

of humanitarian assistance. Strong support in Congress toward demining indirectly supports DoD's position, that unique security requirements require the continued use of smart-mines, and continued demining efforts.

The Department of State Office on Humanitarian Demining Programs serves as the lead organization in coordinating U.S. Humanitarian Demining Activities worldwide. The current U.S. demining policy is more mature than the landmine policy, and needs only increased emphasis in existing policy to protect U.S. security and humanitarian interests. The Departments of State and Defense will have to collaborate in order to develop a reasonable strategic policy approach to achieve the Global Demining Initiative by 2010. That strategic policy should promote America's ability to conduct research and development in the clearance effort, and at the same time, address the tactical and indiscriminate use of these weapons. Breakthroughs in research and development should apply technological advances to surveying, to confirm or deny suspected minefields, and limiting the problem to its true size. New partnerships between public and private sectors should be encouraged. Efforts should be redoubled to develop medical and rehabilitative infrastructure. An aggressive public information campaign is needed to increase support for this humanitarian cause in the U.S. and abroad.

U.S. military doctrine does not allow the use of landmines against civilians, and reduces the humanitarian disaster by using landmines with short and finite life spans. Research previously discussed in this paper has demonstrated that the responsible use of landmines reduces civilian casualties and increases our chances of accomplishing our mission. The potential degradation of freedom of maneuver and flexibility are significant concerns for the safety of U.S. forces. Any improperly planned reduction in capability will increase the risk exposure to U.S. forces, and require costly alternatives.

The new administration must analyze the landmine ban initiative with respect to our leadership position on the world stage with our allies, and NGO's. The policy must balance our military doctrine with our ability to produce suitable alternatives. We cannot be rushed into signing a treaty for the sake of political gain. U.S. political leaders must guard against embracing positions of single-minded constituency groups. Failure to do so may make for good politics but poor policy.⁷⁵

The U.S. cannot afford to support the landmine ban as it is currently written. The landmine ban movement enjoys popular support, but makes no distinction between countries with worldwide security requirements and those with none. Instead, the rhetoric portrays countries as being either for or against the indiscriminate killing of innocent children. Banning

the responsible use of short-duration, self-destructing APLs will not solve the enormous humanitarian challenge of finding and destroying APLs.

Presidential Decision Directive 64 must be revisited. PDD-64 directs the aggressive search for alternatives to mixed anti-tank systems, and commits the U.S. to signing the Ottawa Convention by 2006, if suitable alternatives to antipersonnel landmines and mixed antitank systems are identified. If unchanged, concern arises with the last provision in that the search for suitable alternatives to both non-self-destructing and mixed systems may be overshadowed by a desire to develop Ottawa-compliant alternatives that are not suitable military alternatives. The provisions of the Ottawa Treaty are such that an Ottawa-compliant alternative and a suitable military alternative are mutually exclusive, at least for the foreseeable future.⁷⁶ The alternatives we have thus far developed are not fully compliant with the Ottawa Treaty.

Our mixed systems are consistent with the nation's humanitarian responsibilities, and are indispensable in protecting soldiers in combat or peacekeeping.⁷⁷ If the U.S. Military is pushed to eliminate its APLs, there is currently no single device or concept that will provide a direct replacement the APL.⁷⁸ The U.S. should delay signing of the Ottawa Convention.

One final aspect of current defense policy must be considered. The collapse of the Soviet Union and the dissolution of the Warsaw Pact initiated a reduction in U.S. military forces stationed overseas. The U.S. Army is transforming into a power projection force based largely in the U.S. As the armed services come to grips with diminishing resources, two clear requirements of power projection must be balanced: speed of deployment and lethality of the force.⁷⁹ In light of incidents like the USS Cole, and Kobar Towers, deploying a force into hostile territory without acceptable force protection tools is a recipe for disaster.

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